

UNITED STATES DISTRICT COURT

Northern District of California

E-filing

WHAM-O, INC

SUMMONS IN A CIVIL ACTION

V.

BIG TIME TOYS LLC

CASE NUMBER:

CV 08

0841

PVT

TO: (Name and address of Defendant)

Big Time Toys LLC

8005 Church Street East

Brentwood, Tennessee 37207

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Annette L. Hurst
Heller Ehrman LLP
333 Bush Street
San Francisco, CA 9410

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

RECEIVED

FEB 6 2008

CLERK

DATE

HELEN L. ALMAGUER

(By) DEPUTY CLERK

ANNETTE L. HURST (SEN 148736)
HELLER EHRMAN LLP
333 Bush Street, 31st Floor
San Francisco, CA 94104
Telephone: (415) 772-6000
Attorney for: Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff: WHAM-O, INC.
Defendant: BIG TIME TOYS LLC etc.

Ref#: 230455 * PROOF OF SERVICE * Case No.: CV 08 0841 PVT

At the time of service I was at least eighteen years of age and not a party to this action and I served copies of the:

SUMMONS IN A CIVIL ACTION; JURY TRIAL DEMANDED COMPLAINT FOR TRADEMARK INFRINGEMENT, FALSE DESIGNATION OR ORIGIN, TRADEMARK DILUTION AND UNFAIR COMPETITION; CIVIL COVER SHEET; REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK; WELCOME TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, CLERK'S OFFICE, SAN JOSE DIVISION; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE; ECF REGISTRATION INFORMATION HANDOUT; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; ADR INFORMATION PACKET

in the within action by personally delivering true copies thereof to the person named below, as follows:

Party served : BIG TIME TOYS LLC

By serving : John Taylor, Authorized Agent

Address : (Business)
708 Berry Road
Nashville, TN 37204

Date of Service: February 11, 2008

Time of Service: 3:40 PM

Person who served papers:

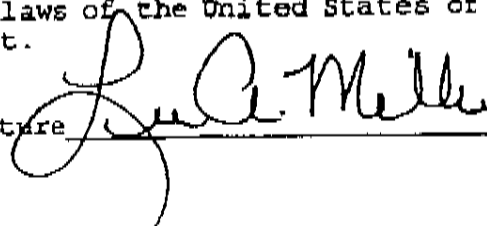
LSE MILLER
SPECIALIZED LEGAL SERVICES, INC.
1112 Bryant Street, Suite 200
San Francisco, CA 94103
Telephone: (415) 357-0500

Fee for service: \$449.40
Registered California process server.
(i) Employee or Independent Contractor
(ii) Registration no.:
(iii) County: Tennessee

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: February 11, 2008

Signature



PROOF OF SERVICE BY FEDERAL EXPRESS

CASE NO. 5:08-CV-0841-PVT, N.D. CAL.

I, Mark C. Williams, declare as follows:

I am and was at the time of the service mentioned in this certificate employed with Heller Ehrman at 333 Bush Street, San Francisco, CA 94104. I am over the age of 18 years and not a party to the within action.

On February 15, 2008 I served the following document:

SUMMONS RETURNED EXECUTED

on the party to this action by placing a true and correct copy in an envelope marked for delivery via Federal Express for next day delivery to the attention of:

Mr. Sam Harwell
BIG TIME TOYS
708 Berry Road
Nashville, TN 37204

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this proof of service was executed on this 15th day of February, 2008 at San Francisco, CA.



Mark C. Williams